

REMARKS

Claims 1, 5, 7-12, 15 and 17-24 are now pending in the application, with claims 1, 10, 11 and 20 being the independent claims. Reconsideration and further examination are respectfully requested.

In the Office Action, claims 5 and 15 were rejected under 35 USC § 112, second paragraph, for reciting "said physical media". In response, those claims have been amended above to delete the word "said". Based on this amendment, withdrawal of the § 112 rejection is respectfully requested.

Claims 1, 5, 6, 9-12, 15, 16, 19 and 20 were rejected under 35 USC § 103(a) over the Synchronized Multimedia Integration Language Specification (SMIL); and claims 7, 8, 17, 18 and 21-24 were rejected under § 103(a) over SMIL in view of Request for Comments 1321 (Rivest). Withdrawal of these rejections is respectfully requested for the following reasons.

Generally speaking, the present invention concerns techniques for facilitating the distribution and reception of programming content such as movies, video games and other types of computer software. See, e.g., page 1 lines 11-17 of the Specification. In each of the claimed techniques, the programming content is divided into chunks and a manifest file is used for describing how to execute and/or play the various individual chunks. See, e.g., page 2 lines 24-27 of the Specification.

Thus, independent claim 1 is directed to a method for use in delivering programming content. Initially, programming content is divided into smaller chunks of data, the programming content including (i) a software program and/or (ii) content for playing on an electronic device. A chunk file is created for each chunk of data and a manifest file is generated, the manifest file including information describing how to execute and/or play the chunks of data. Finally, the

created chunk files and the generated manifest file are transmitted to a remote location, with at least one of the files being transmitted electronically and at least one of the files being transmitted on a physical storage medium.

The foregoing combination of features is not disclosed or suggested by the applied art. For example, the SMIL reference does not disclose or suggest a technique in which programming content is divided into chunks and transmitted such that at least one of the chunks is transmitted electronically and another is transmitted on a physical storage medium, with a manifest file that includes information describing how to execute and/or play the chunks of data also being transmitted.

Previously, these features of the invention were included in dependent claim 6 and, in the amendments above, now have been incorporated into independent claim 1. The present Office Action does not address the features of former dependent claim 6, but instead merely states that such features are "obvious for reasons discussed above". However, Applicants are unable to find anything in the Office Action that even remotely relates to these features of the invention. In addition, the SMIL reference has been studied in particular detail and also is not seen to say anything at all about such features.

Accordingly, it is not believed that independent claim 1 (which corresponds to former dependent claim 6) would have been obvious over the SMIL reference.

Independent claim 11 is directed to a method for use in receiving programming content, in which plural chunk files and a manifest file are received. The chunk files include chunks of data that together make up programming content, the programming content including (i) a software program and/or (ii) content for playing on an electronic device. The manifest file includes information describing how to execute and/or play the chunks of data. The chunks of

data are stored and are executed and/or played according to the information in the manifest file. At least one of the received chunk files is received electronically and at least one of the received chunk files is received on a physical storage medium.

This combination of features also is not believed to be disclosed or suggested by the applied art. For example, the SMIL reference is not seen to disclose or to suggest at least the features of receiving programming content that has been divided into chunk files, together with a manifest file that includes information describing how to execute and/or play the chunks of data, where at least one of the received chunk files is received electronically and at least one of the received chunk files is received on a physical storage medium.

Previously, these features of the invention were included in dependent claim 16 and, in the amendments above, now have been incorporated into independent claim 11. As with the similar features in former dependent claim 6, the present Office Action does not address the features of former dependent claim 16, here stating that such features are "rejected for the same reasons as claims 5-6 and 9". However, Applicants are unable to find anything in the Office Action that even remotely relates to these features of the invention. In addition, the SMIL reference has been studied in particular detail and also is not seen to say anything at all about such features.

Accordingly, it is not believed that independent claim 11 (which corresponds to former dependent claim 16) would have been obvious over the SMIL reference.

Independent claim 10 is directed to a method for use in delivering programming content, in which programming content is divided into smaller chunks of data, the programming content including (i) a software program and/or (ii) content for playing on an electronic device. A chunk file is created for each chunk of data and a manifest file is generated, the manifest file including

information describing how to execute and/or play the chunks of data. More specifically, the manifest file includes plural sets of information, each set of information describing how to execute and/or play the chunks of data in a different predetermined manner.

The foregoing combination of features is not disclosed or suggested by the applied art. For example, the SMIL reference does not disclose or suggest at least the feature of a manifest file that includes plural sets of information, each set of information describing how to execute and/or play chunks of data (which together make up programming content) in a different predetermined manner.

The Office Action does not even assert that the SMIL reference discloses or suggests this feature of the invention. Moreover, Applicants have studied the SMIL reference in particular detail and are unable to find any such teaching.

Accordingly, it is not believed that independent claim 10 would have been obvious over the SMIL reference.

Independent claim 20 is directed to a method for use in receiving programming content. Plural chunk files and a manifest file are received, the chunk files including chunks of data that together make up programming content, the programming content including (i) a software program and/or (ii) content for playing on an electronic device, and the manifest file including information describing how to execute and/or play the chunks of data. The chunks of data are stored and also are executed and/or played according to the information in the manifest file. The manifest file includes plural sets of information, each set of information describing how to execute or play the chunks of data in a different predetermined manner.

The foregoing combination of features is not disclosed or suggested by the applied art. For example, the SMIL reference does not disclose or suggest at least the future of a manifest file

that includes plural sets of information, each set of information describing how to execute or play chunks of data (which together make up programming content) in a different predetermined manner.

As with claim 10, discussed above, the Office Action does not even assert that the SMIL reference discloses or suggests this feature of the invention. Moreover, Applicants have studied the SMIL reference in particular detail and are unable to find any such teaching.

Accordingly, it is not believed that independent claim 20 would have been obvious over the SMIL reference.

The other rejected claims in this application depend from the independent claims discussed above, and are therefore believed to be allowable for at least the same reasons. Because each dependent claim also defines an additional aspect of the invention, however, the individual reconsideration of each on its own merits is respectfully requested.

In order to sufficiently distinguish Applicants' invention from the applied art, the foregoing remarks emphasize several of the differences between the applied art and Applicants' invention. However, no attempt has been made to categorize each novel and unobvious difference. Applicants' invention comprises all of the elements and all of the interrelationships between those elements recited in the claims. It is believed that for each claim the combination of such elements and interrelationships is not disclosed, taught or suggested by the applied art. It is therefore believed that all claims in the application are fully in condition for allowance, and an indication to that effect is respectfully requested.

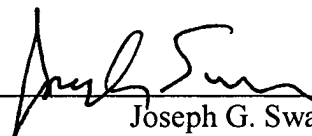
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